



COUNTY COUNCIL OF TALBOT COUNTY

COURTHOUSE

11 NORTH WASHINGTON STREET

EASTON, MARYLAND 21601

PHONE: 410-770-8001

FAX: 410-770-8007

www.talbotcountymd.gov

COREY W. PACK, President

CHUCK F. CALLAHAN, Vice President

FRANK DIVILIO

PETE LESHER

LAURA E. PRICE

ENFORCEMENT RESOLUTION

COVID-19

RECITALS

WHEREAS, the State of Maryland and Talbot County are seeing a dramatic decrease in the positivity number of COVID-19 cases, our negative rate has consistently been above 95% and few individuals have been hospitalized; and,

WHEREAS, Talbot County's 7-day positivity rate has dropped from 7.68% on July 13 to a range of 2% to 2.5% on average, a decrease of approximately 70%, which is below the statewide average of approximately 3.3% as of August 20th; and,

WHEREAS, Talbot County's active rate is only 0.17% of the entire 37,000 population of Talbot County; and,

WHEREAS, at the Governor's request, and based on the recommendation of the Talbot County Health Officer, Dr. Fredia Wadley, who explained the need for greater enforcement efforts at the Council's July 21st meeting, the County Council desires to adopt appropriate enforcement rules and regulations related to enforcement as set forth herein in order to help prevent the spread of COVID-19.

NOW THEREFORE, BE IT RESOLVED, PROCLAIMED, AND ORDERED, by the County Council of Talbot County, Maryland that, in accordance with the authority granted by the Charter and Laws of Talbot County, Maryland, and pursuant to any and all authority vested to the Council by the Maryland Constitution and the Laws of Maryland, including but not limited to, Governor Hogan's Executive Order No. 20-08-03-01; § 3-202 of the Health-General Article; §§ 10-202 and 10-328 of the Local Government Article; and, § 14-113 of the Public Safety Article:

1. **Recitals**. The above recitals are hereby incorporated as if fully set forth herein.
2. **Second Emergency Resolution Repealed**. The Second Emergency Resolution on COVID-19 Enforcement adopted by the Talbot County Council on August 11, 2020 is hereby repealed in its entirety and is no longer effective.

3. **Compliance with Governor's Order Required.** All persons in Talbot County shall comply with the executive order issued by Governor Hogan on August 3, 2020, Executive Order No. 20-08-03-01, Amending and Restating the Order of July 29, 2020, Allowing Reopening of Certain Businesses and Facilities, Subject to Local Regulation, and Generally Requiring Use of Face Coverings, as such Executive Order may be amended from time to time.

4. **Abatement Orders and Civil Monetary Fines.** Violations of this Enforcement Resolution by establishments, businesses, entities, or organizations subject to Governor Hogan's Executive Order No. 20-08-03-01, are subject to the issuance of abatement orders and appropriate civil monetary fines based on the severity of the violation, in no event to exceed \$500 per violation. Such fines may only be assessed against the establishment, business, entity, or organization in violation and not against an individual. Such remedies are in addition to, and not in lieu of, any other remedies available under applicable laws, rules, regulations, and orders.

5. **Enforcement Officers.** In addition to any other agencies or officials authorized by law to enforce this Resolution or the Governor's Executive Orders, the Talbot County Health Department and the Talbot County Office of Code Compliance, and their officials and employees, shall be and are hereby authorized to enforce the terms of this Resolution, including, without limitation, through the issuance of abatement orders and civil monetary fines.

6. **Recommended Procedure for Enforcement.** Violations of this Resolution should be handled as follows:

- a. First Offense – Warning.
- b. Second Offense – Civil fine based on the severity of the violation in no event to exceed \$500 per violation.
- c. Third Offense – If the violator holds a liquor license issued by the Talbot County Liquor Board, proceeding before the Liquor Board seeking suspension of the license and/or imposition of a civil fine.

7. **Prosecutable as Municipal Infraction.** In addition to other remedies, violations of this Resolution may be prosecuted as municipal infractions. In that event, all penalties, procedures for enforcement and other provisions concerning enforcement, violations and penalties shall be as specified by Local Government Article § 6-103 *et seq.*, Maryland Annotated Code, as amended from time to time.

8. **Gatherings.** The County Council encourages anyone organizing or hosting a gathering in Talbot County to consult with the Talbot County Health Department on best practices for preventing the spread of COVID-19.

9. **Further Amendments.** This Resolution may be amended from time to time in the discretion of the Talbot County Council.

10. **Supersedes Inconsistent Local Law.** This Resolution shall supersede any conflicting local laws, rules, regulations, or orders.

11. **Severability**. If any provision of this Resolution or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Resolution shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Resolution are severable.

THIS RESOLUTION IS HEREBY EFFECTIVE IMMEDIATELY this
_____ day of _____ in 2020.

GIVEN UNDER OUR HANDS AND THE GREAT
SEAL OF TALBOT COUNTY, THIS __th DAY OF
_____ IN THE YEAR 2020.

**COUNTY COUNCIL OF TALBOT
COUNTY, MARYLAND**

ATTEST:

Name: Susan Moran
Title: Clerk

Corey W. Pack, President

Chuck F. Callahan, Vice President

Frank Divilio

Pete Leshner

Laura E. Price